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EXAMINER LANGHOVA, KUNAL N				
ART UNIT 2427		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mhmpto@mcandrews-ip.com

Office Action Summary

Application No.

10/675,090

Applicant(s)

KARAOGUZ ET AL.

Examiner

KUNAL LANGHNOJA

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/2010 has been entered.

Response to Arguments

2. Applicant's arguments filed 11/09/2010 have been fully considered but they are not persuasive.

3. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. In addition, amendments with respect to claims 1, 12, 15 and 19 do not appear to overcome prior art of record. See rejection for amended limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerman et al (US Patent No. 5,659,366), in view of Hunter et al (US Patent No. 7,233,781), further in view of Novak et al (US PG PUB No. 2002/0104099).

Regarding claim 1, Kerman et al teaches a system for managing newly accessible media content on a communication network, comprising:

a television comprising a television display [136], the television display [136] being communicatively coupled to at least one communication device [105, 110, 125, 130, 200, 205] (Figure 2) at a first private home, the at least one communication device being in at least one of a "standby" mode and an "off" mode (Figures 1 and 2; Col.1 lines 13-20, Col.3 lines 3-12, Col.5 lines 16-34), the at least one communication device comprising a text display device [130], the at least one communication device and the television [136] being separate devices (Figure 2);

a communication network communicatively coupled to the at least one communication device (i.e. a device that receives incoming television signals being transmitted over a wireless or cable infrastructure network through the use of antenna or cable) (Figures 1 and 2; Col.2 lines 14-15 and Col.4 lines 64-66);

after the detection, the at least one communication device, displays, on the text display device [130] that is separate from the television display [136], at least one indication relating to the detection, wherein, after the at least one indication is displayed on the text display device [130] that is separate from the television display [136] (Figure 2; Col.2 line 52-Col.3 line 2, lines 13-16).

However, the reference is unclear with respect to the television display being in an "off" mode, a second communication device at a second private home, wherein the second communication device and the first communication device are each configured to generate and to push respective personal media channels to each other, wherein the second communication device creates a personal media channel that comprises a personal video, wherein the second communication device pushes the personal media channel over the communication network to the at least one communication device, wherein the at least one communication stores the personal media channel, wherein the at least one communication device detects the personal media channel that was pushed to the at least one communication device wherein, non-broadcast media channel, the first communication device turns on the television display and generates a screen graphic for display on the television display that the non-broadcast media channel is available; the at least one communication device provides a media guide user interface on the television display when the television display is on, wherein the media guide user interface displays a list of individual channels, wherein the individual channels comprise broadcast media channels and non-broadcast media channels, wherein the personal media channel pushed to the at least one communication device is added to the media guide user interface on the television display when the television display is on, and wherein the at least one communication device is used to select the personal media channel to watch the personal video.

In similar field of endeavor, Hunter et al teaches concept of the television display being in an "off" mode wherein, after the detection the first communication device turns

on the television display and generates a screen graphic for display on the television display (Col.11 lines 61-67, Col.12 lines 1-6, Col.15 lines 49-52 and Col. 24 lines 6-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of allowing user to get alerts/notification even when the display is in off mode (Col.6 lines 10-13).

In similar field of endeavor, Novak et al teaches the non-broadcast media channel and said non-broadcast media channel is available (figure 8), a second communication device [122] at a second private home, wherein the second communication device [122] and the first communication device (i.e. end user) are each configured to generate and to push respective personal media channels to each other (Para. 0056, 0058-59), wherein the second communication device [122] creates a personal media channel (i.e. synthetic channel) that comprises a personal video (i.e. personal media), wherein the second communication device pushes the personal media channel over the communication network to the at least one communication device (i.e. end users), wherein the at least one communication stores the personal media channel, wherein the at least one communication device detects the personal media channel that was pushed to the at least one communication device (i.e. detecting new media and updating EPG accordingly) and, wherein the at least one communication device provides a media guide user interface on the television display when the television display is tuned on (Figure 8), wherein the media guide user interface displays a list of individual channels (Figure 8), wherein the individual channels comprise broadcast

media channels and non-broadcast media channels (i.e. regular broadcast channels and synthetic channel(s)) , wherein the personal media channel pushed to the at least one communication device is added to the media guide user interface on the television display when the television display is tuned on, and wherein the at least one communication device is used to select the personal media channel to watch the personal video (Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0043, 0048, 0056, 0063, 0068 and 0070-71). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the references for the purpose of providing end users with personal media within EPG to avoid confusion with regards to not computer savvy users.

Regarding claim 2, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the communication network comprises one or more of the following: a third party media server, a media exchange server, a third party media provider, a third party service provider, a media storage server, a broadband access headend, a broadcast channel provider, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure (Novak: Figure 3; Paragraphs 0045, 0047-48).

Regarding claim 3, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the communication network comprises the Internet (Novak: Figure 3; Paragraphs 0045, 0047-48).

Claim 4 is rejected wherein the at least one communication device comprises one or more of the following: a computer, a storage device, a media peripheral, set-top box circuitry, a television, a text display, a keyboard, a computer mouse, a remote control, an internal speaker, an intercom system, an infrared transmitter, light emitting diodes (LED's), and a stereo system (Kerman: Fig. 1 & 2; col. 2, lines 13-67, col. 3 lines 1-16, col. 4, lines 55-63).

Claim 5 is rejected wherein the display is one or more of the following: a CRT-based television, a high definition TV (HDTV), a plasma display system, and a projection television (Kerman: Figure 1 and 2; Col. 3 lines 10-12).

Claim 6 is rejected wherein the individual channels provide one or more of the following: third party media content, user-created media content, digital video, digital images, digital audio, documents, files, non-broadcast media content, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and on-demand movies (Kerman: Col. 2 lines 4-7, Col. 3 lines 25-29 and Novak: Paragraphs 0038-39 and 0068).

Claim 7 is rejected the personal media channel (i.e. synthetic channel) stored in the at least one communication channel can be pushed over the communication network to a third communication device in a third private home (Novak: Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0056, 0060 and 0070-71).

Claim 8 is rejected wherein the at least one indication relating to the detection comprises one or both of a display pop-up window notification and a display ghost overlay notification on the activated display. (Kerman: Col. 3 lines 3-10)

Claim 9 is rejected wherein at least one indication relating to the detection is transmitted to another device via a wireless link (Kerman: Abstract and Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 10 is rejected wherein the at least one indication relating to the detection comprises one or more of the following: a text display announcement, activating LED's, and an audible announcement (Kerman: Col.3 lines 29-31 and col.5 lines 10-15).

Claim 11 is rejected wherein the at least one indication relating to the detection of the newly accessible media content is transmitted to another device via a wireless link (Kerman: Abstract and Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 12 is met as previously discussed with respect to Claim 1. In addition, the claimed "processor disposed in a communication device" is met by the host microcontroller 110 (Kerman- Fig. 1 & 2), first communication device and the television communicating wirelessly, digital pictures and wherein the first communication device in the first private home requests from a third party content provider through a communications network that the third party content provider anonymously push a third party channel over the communications network to the second communication device in the second private home (delivering encrypted synthetic channel to an end user) (Hunter: Col.7 lines 31-37 and Novak: Para. 0056, 0064, 0068, 0080-81, 0084).

Claim 13 is met as previously discussed with respect to claim 4.

Claim 14 is met as previously discussed with respect to claims 8 and 10.

Regarding claim 23, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches each of the at least one

communication device and the second communication device is configured to provide an "on" mode, the "off" mode, the "standby" mode and an "idle" mode (Novak: Figures 1 and 2; Col.1 lines 13-20, Col.3 lines 3-12, Col.5 lines 16-34 and Hunter: Col.11 lines 61-67, Col.12 lines 1-6, Col.15 lines 49-52 and Col. 24 lines 6-9).

Regarding claim 24, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the communication network [300] comprises a first broadband headend [306] that includes a satellite headend, wherein the first broadband headend [306] is coupled to the at least one communication device [308], and wherein the first broadband headend [306] provides access to a broadcast channel provider [304] and access to a wide area network (Figures 1-3; Para. 0027-28 and 0045).

Regarding claim 25, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 24). The combination teaches the communication network [300] comprises a second broadband headend [306-x] is coupled to the second communication device [308-x], wherein the second broadband headend [306-x] provides access to the broadcast channel provider [304] and access to the wide area network, wherein the broadcast channel provider [304] is coupled between the first broadband headend [306] and the second broadband headend [306-x], and wherein the wide area network is coupled between the first broadband headend [306] and the second broadband headend [306-x] (Figures 1-3; Para. 0027-28 and 0045).

Regarding claim 26, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches each of the at least one

communication device, the second communication device and a third communication device comprises a respective media exchange software platform (Figures 7-9; Para. 0043, 0048, 0056, 0063, 0068, 0071), and wherein the third communication device makes an request via the communication network that a third-party channel be anonymously delivered to the at least one communication device or the second communication device (delivering encrypted synthetic channel based on end user subscription) (Novak: Para. 0056, 0068, 0080-81 and 0084).

Regarding claim 27, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 26). The combination teaches the third-party channel is accessed by the at least one communication device or the second communication device using its respective media exchange software platform (Para. 0087)

Regarding claim 28, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 27). The combination teaches the third-party channel is accessed by the at least one communication device or the second communication device by entering a code in a remote control that is wirelessly coupled to the at least one communication device or the second communication device (Novak: Para. 0084 and Hunter: Col.12 lines 3-6).

Regarding claim 29, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the at least one communication device or the second communication device provides networking components that provide the following client functions: billing, authorization, registration, security and connectivity (Novak: Para. 0056, 0068, 0080-81 and 0084); wherein the

networking components comprise a broadband communication interface; and wherein the broadband communication interface is coupled to a broadband headend that is external to the first private home and the second private home (Novak: Figure 3; Para. 0035 and 0045).

Claims 30 and 31 are rejected wherein each of the at least one communication device and the second communication device comprises a respective media exchange software platform, wherein the respective media exchange software platform provides media push capability, media access capability, media channel construction, media channel selection, image sequence selection, text overlay, voice overlay, channel naming, program naming, inter-home routing selection, billing service and the media guide user interface (Figures 4 and 7-9; Para. 0043, 0048, 0056, 0063, 0068, 0071 and 0077).

6. Claims 15-19, 21-22 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al, in view of Kerman, in view of Hunter et al, further in view of Rodriguez et al (US Patent No. 6,760,918).

Regarding claim 15, Novak et al teaches a method for managing newly accessible media content on a communication network, comprising:

creating, by a first communication device [122], a personal media channel (i.e. synthetic channel) comprising one or more personal digital pictures or one or more personal videos (i.e. personal media) (paragraphs 0064);

pushing, by the first communication device [122], the personal media channel (i.e. synthetic channel) over the communication network to a second communication device (i.e. end users);

detecting, by the second communication device, the personal media channel that was pushed to the second communication device (i.e. detecting new media and updating EPG accordingly); non-broadcast media channel and generating by the second communication device a screen graphic for display on the television display (Figure 8; Para. 0059); and

providing a media guide user interface on the activated television display (figure 8), wherein the media guide user interface displays a table of individual channels, wherein the individual channels comprise broadcast media channels and non-broadcast media channels (i.e. synthetic channel), wherein the personal media channel pushed to the second communication device is added to table of individual channels (Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0056 and 0070-71).

However, the reference is unclear with respect to after the detection, displaying on a text display device that is part of the second communication device at least one indication relating to the detection; after the at least one indication is displayed on the text display device that is separate from a television display that is off and activating, by the second communication device, the television display and; wherein the personal media channel can be selected to download the one or more personal digital pictures or one or more personal videos, wherein the media guide user interface provides

download options with respect to the selected personal media channel that are based on cost and that affect download speed and media content quality.

In similar field of endeavor, Kerman et al teaches after the detection, displaying on a text display device [130] that is part of the second communication device at least one indication relating to the detection; after the at least one indication is displayed on the text display device [130] that is separate from a television [136] (Figure 2; Col.2 line 52-Col.3 line 2, lines 13-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the purpose of alerting user(s) alternatively/addition to display alerts on OSD in case of inoperable/damaged television device.

In similar field of endeavor, Hunter et al teaches concept of a television display that is off and activating, by the second communication device, the television display (Col.11 lines 61-67, Col.12 lines 1-6, Col.15 lines 49-52 and Col. 24 lines 6-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of allowing user to get alerts/notification even when the display is in off mode (Col.6 lines 10-13).

In similar field of endeavor, Rodriguez et al teaches wherein the media channel can be selected to download the one or more personal digital pictures or one or more videos, wherein the media guide user interface provides download options with respect to the selected media channel that are based on cost and that affect download speed and media content quality (i.e. user selects quality, speed and price reflects the

selections made within the screen) (Figure 22; Col.25 lines 57-62 and Col.26 lines 44-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the references for the purpose of providing options with respect to quality and speed to user in order to save time and/or money.

Regarding claim 16, Novak, Kerman, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the least one indication is provided in one or more of the following: a text format, a graphic format, and an audio format (Hunter: Col.15 lines 49-53 and Kerman: Col.3 lines 3-16, Col.4 lines 55-63).

Regarding claim 17, Novak, Kerman, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the at least one indication relating to the detection comprises one or more of the following: a display pop-up window notification, a display ghost overlay notification, a text display announcement, activating LED's, and an audible announcement (Col.14 lines 40-42, Col.15 lines 32-34 and Kerman: Col.3 lines 3-16, Col.4 lines 55-63).

Regarding claim 18, Novak, Kerman, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the at least one indication is transmitted to another device via a wireless link. (Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 19 is met as previously discussed with respect to claim 15. In addition limitation displaying times, via media guide user interface, at which the personal media

channel is schedules for access is met by Rodriguez et al (Figures 22-26; Col.27 lines 1-27).

Regarding claim 21, Novak, Kerman, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches generating an audible alert signal for the availability of the newly pushed personal media channel (Novak: Paragraphs 0038-39, 0059 and 0070-71 and Hunter: Col.15 lines 49-52).

Claim 22 is rejected wherein n the media guide user interface has a TV guide look and feel and is controlled by a remote control device (Figures 8-9; Paragraphs 0073).

Claims 32 and 33 are rejected wherein providing in each of the first communication device and the second communication device a respective media exchange software platform, wherein the media exchange software platform provides media push capability, media access capability, media channel construction, media channel selection, image sequence selection, text overlay, voice overlay, channel naming, program naming, inter-home routing selection, billing service and the media guide user interface (Figures 4 and 7-9; Para. 0043, 0048, 0056, 0063, 0068, 0071 and 0077).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al, in view of Kerman, in view of Hunter et al, in view of Rodriguez et al, further in view of Lu et al (US Patent No. 7,065,778).

Regarding claim 20, Novak, Kerman, Hunter, and Rodriguez, the combination teaches everything claimed (see claim 19). The combination teaches second communication device receives the pushed personal media channel. (Novak: 0025-26, 0038-39, 0056 and 0070-71). However, the combination is unclear with respect to the second communication device pushes the media channel to a third communication over the Internet.

In similar field of endeavor, Lu et al teaches the second communication device pushes the media channel to a third communication over the Internet (Figure 3; Col.9 lines 5-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the purpose of receiving/sending content to requester in order for requester to receive content regardless of his/her geographic location.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is (571)270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:30 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427